



Australian Government



**Asia-Pacific Regional Meeting on the work of
the Hague Conference on Private International Law
Sydney, Australia
27-29 June 2007**

CONCLUSIONS

From 27 to 29 June 2007, participants from Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Cook Islands, India, Indonesia, Japan, Republic of Korea, Laos, Malaysia, Myanmar, New Zealand, Pakistan, Papua New Guinea, Philippines, Samoa, Singapore, Sri Lanka, Thailand, Tonga and Vietnam, and academics, interested individuals, representatives from non-governmental organisations and members of the Permanent Bureau of the Hague Conference on Private International Law (the Conference) met in Sydney, Australia, to discuss the operation and implementation within the Asia-Pacific Region (the Region) of the Conventions of the Hague Conference (the Conventions) in the areas of child protection and legal cooperation. The Conventions discussed included those on child abduction, intercountry adoption, protection of children and international child support, the service of process, the taking of evidence, and the abolition of legalisation for foreign public documents (apostille) and choice of court agreements.

The Regional Meeting (the Meeting) progressed the work begun in 2005 by the Malaysian Government at its conference entitled "*An introduction to the Hague Conventions: Seminar on Fostering the Rule of Law in Cross-Border/Transnational Civil and Commercial Relations in the Asia-Pacific*" held from 22 to 24 August 2005 in Kota Kinabalu, Sabah, Malaysia.

The Meeting agreed to:

1. continue working to further international cooperation among States in the Region in the areas of child protection and legal cooperation;

Due to increases in migration between countries and trade and commercial activity, more issues of private international law and as a result more litigation across borders are likely to arise. Cooperation between judicial and administrative organs in the Region is needed to assist in resolving family, civil and commercial disputes.

The Meeting provided the opportunity for participants to gain a greater understanding of the operation of the Conventions and certain other international agreements in the context of different legal systems in the Region. It did this by making available to participants a range of materials on the Hague Conventions and information about where to access those materials for example on the Hague website (www.hcch.net). This sharing of knowledge provides a basis for further cooperation in the future.

2. pursue opportunities for States in the Region to consider becoming Contracting States to the Conventions and Members of the Conference. The Meeting provided a network that could help to facilitate this objective;

The Conventions provide a basis for States to join existing communities of practice to effectively facilitate in the resolution of family, civil and commercial legal issues and protect the interests of individuals and States in the Region. The Meeting discussed the implementation and operation of the Conventions and certain other international agreements in the Region and the wider international community that complement and strengthen international cooperation.

3. continue the dialogue between officials from States in the Region and with the Permanent Bureau of the Hague Conference on its work and the operation of the Conventions;

The development and publication of a contact list on the Attorney-General's Department of Australia's website with a link to the Hague Conference website of government agencies of non-Member States in the Region that can be contacted on legal cooperation issues will facilitate ongoing communication within the Region and the international community.

4. encourage and foster the creation of regional and sub-regional groups with a view to the eventual accession to Conventions and attainment of membership of the Conference;

5. achieve progressive cooperation in the Region with the assistance of the Conference and other organisations in the Region. The Meeting recognised the role of judicial networks and non-governmental organisations such as professional associations in the dissemination of information;

The Meeting recognized the benefits to be gained from future meetings and seminars being organised by States to consider specific aspects of the Regional Meeting program and the work of the Hague Conference in more detail. Given the geographic breadth of the Region, the use of technology may be investigated to host future meetings or workshops via teleconference or web technology.

Shared experiences from States parties to Conventions and Members of the Conference will build capacity in newly acceding States and non-Member States for the implementation and operation of Conventions and membership with the Conference.

6. recognise the importance of regional initiatives such as the Malaysian Seminar and this Meeting as a means of promoting greater understanding and ongoing cooperation on subjects covered by the Conventions between States in the Region;

The regular exchange of information, both face to face and remotely, at a bilateral or a multilateral level, will continue to strengthen networks in the Region.

These initiatives also provide an invaluable opportunity for a face-to-face exchange of information which provides the basis for ongoing regular communication and further strengthen networking in the Region.

7. stress the importance of training to secure the effective implementation and operation of international instruments such as the Conventions, in cooperation with the relevant international and regional bodies, including the International Development Law Organisation and ASEAN.

8. that the Meeting provided an opportunity to share information and enhance mutual understanding of demographic and social backgrounds, legal systems and procedures operating in the Region.

The Meeting assisted countries in the Region to identify common priorities and directions in the legal cooperation area and provided a forum to discuss mechanisms to work towards developing those areas of shared interest.

Creation of an increased understanding in the Region of the different cultures and the social, legal, judicial and administrative contexts in which they function to allow better understanding and facilitate the commencement and finalisation of legal proceedings.

Specifically in relation to legal cooperation, the Meeting acknowledged:

- 9. the benefits of the simplified procedures provided in the Conventions for taking evidence, transmitting documents for service and authenticating public documents for judicial or administrative purposes;**

Specifically in relation to legal cooperation the Meeting agreed that there would be benefits in continuing to work cooperatively and where possible to undertake discussions on efficient and effective processes. This may encourage the accession of more States in the Region to the legal cooperation Conventions and build capacity to implement domestic procedures to respond to requests for assistance and comply with obligations under the Conventions.

- 10. that practical and effective judicial cooperation across borders has the potential to assist large numbers of the routine actions of individual citizens and commercial enterprises alike, and that the simplified procedures in the various Hague Conventions examined during the meeting provide excellent solutions to that effect;**
- 11. the importance of developing and strengthening relationships between Contracting States to the legal cooperation Conventions to encourage ongoing communication between authorities. These networks can assist in building capacity and sharing knowledge between States in the region to contribute to the successful operation of the Conventions;**

Specifically in relation to child protection, the Meeting acknowledged:

- 12. the need to increase awareness on issues affecting children in the Region such as adoption, abduction, child support and protection. The Meeting noted the importance of the protection of children and the principles of the United Nations Convention on the Rights of the Child (UNCRC), in particular that the best interests of the child are a primary consideration.**
- 13. the need to strengthen the synergies and linkages between UNCRC and the 1980 Hague Convention on International Child Abduction, the 1993 Hague Convention on Intercountry Adoption and the 1996 Convention on Child Protection and relevant Conventions relating to the recovery of maintenance obligations;**
- 14. that the importance of building mutual judicial and administrative trust and confidence between States will enable the recognition and enforcement of measures taken by States in protecting the best interests of the children;**

The participation of judicial officers in the Hague Network of Liaison Judges to facilitate direct judicial communication plays an important role in this regard.

- 15. the cultural, religious and legal traditions of States in the Region and agreed to explore possibilities for information sharing that will promote a greater understanding of the different processes in relation to disputes regarding the children;**
- 16. the benefits of implementing the Conventions and certain international agreements to provide a basis to expeditiously resolve issues regarding children, including by agreement between the parties.**
- 17. that there can be opportunities on an interim basis, where States are not yet parties to relevant Conventions, to enter into bilateral or multilateral arrangements to cooperate further to advance the spirit of the Conventions.**